

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CIV. NO. 03-00571 SPK-LEK
)	
Plaintiff,)	
v.)	
)	
SIXTEEN THOUSAND NINE)	
HUNDRED DOLLARS (\$16,900.00) IN)	
UNITED STATES CURRENCY; ONE)	
THOUSAND SIX HUNDRED)	
DOLLARS (\$1,600.00) IN UNITED)	
STATES CURRENCY; AND ONE)	
WHITE 2003 NISSAN Xterra)	
BEARING HAWAII LICENSE PLATE)	
NUMBER NBJ748 AND VEHICLE)	
IDENTIFICATION NUMBER)	
5N1ED28Y23C642072,)	
)	
Defendants.)	
)	
BASHO ELLIOT, MICHAEL ELLIOT,)	
LIANE RENEE CURTIS,)	
)	
Claimants.)	
)	

ORDER GRANTING UNITED STATES OF AMERICA'S MOTION TO
STRIKE CLAIMANT MICHAEL ELLIOT'S CLAIM AND ANSWER

Plaintiff United States of America has moved to strike the claim and answer
of Claimant Michael Elliot for lack of standing, or otherwise for entry of judgment

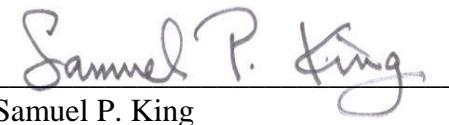
on the pleadings as to the claim of Michael Elliot. The motion was duly served and noticed on counsel for claimant Michael Elliot, and no response to the motion was filed. The Court has found the matter suitable for decision without an oral hearing pursuant to Local Rule 7.2(d). Upon review of the pleadings and exhibits on file and good cause appearing, the Plaintiff's motion is GRANTED.

The pleadings and filings establish that Claimant Michael Elliot cannot sustain (or has not sustained) his burden of proving that he is or was a true owner of a specific interest in the subject forfeited property. He has no standing to contest the forfeiture. See, e.g., United States v. Real Property Located at 5208 Los Franciscos Way, 385 F.3d 1187, 1191 (9th Cir. 2004). He also cannot sustain (or has not sustained) his burden of establishing an innocent owner defense under 18 U.S.C. § 983(d). Accordingly, the Court GRANTS Plaintiff's Motion to Strike Claim and Answer of Claimant Michael Elliot, and therefore dismisses Michael Elliot's claim.

IT IS SO ORDERED.

Dated: June 18, 2008.





Samuel P. King
Senior United States District Judge